

## Abstract

The international obligations of the Czech Republic in relation to the right to information on the environment, following from its membership in the European Union and from the ratification of the Aarhus Convention, were fulfilled formally especially by adopting the Act on the Right of Access to Information on the Environment (InfŽPZ) and the Act on Free Access to Information (InfZ).

As follows from the facts mentioned in the chapters above, however, the coexistence of both legal regulations in practice is not always easy, for the liable subjects may have difficulties especially in distinguishing, which of the two is to be used to proceed in a particular case. Further, difficulties may also occur in practice where one part of a request is to be treated under InfŽPZ and the other under InfZ. Here, the liable subject will have to deal with different legal process regulations, concerning especially the terms of attendance to the request and to the filed appeal. It is obvious that such a situation is complicated unnecessarily both for the liable subject and for the claimant, again only increasing the demands for the knowledge of law of the involved parties. With respect to the purpose of this legislation, however, it should be noted that the legislator should have *de lege ferenda* chosen such a legal regulation which would be comprehensible enough for everyone and would facilitate access to information, not the opposite. In this connection, one should further note the different legal regulation concerning the liable subjects, for in practice, one can imagine a situation when a request is addressed to a subject liable under InfŽPZ but not under InfZ. Then, if the liable subject interprets the request as one to be treated under InfŽPZ partially only, it will be competent to provide part of the requested information only and, as for the remaining part, it will have to pass the request on or inform the claimant that it does not have the required information available. Again, such a situation is to be considered undesirable in terms of the constitutional requirement for the punctuality of provided information, when, owing to it, the whole process of information provision only extends further.

For these reasons also, apparently, there goes a *de lege ferenda* discussion among the professional public in the last years about the integration of both legal regulations. But the certain obstacle occurring here is, on the one hand, the interest to keep the higher level of provision of environmental information and the necessity to fulfil all the international obligations of the Czech Republic following especially from its membership in the European Union on the other.

As follows from the development of InfŽPZ proper, access to the right to information still increases, for instance after the elimination of the requirements concerning the request form (addition to a protocol). Naturally, the question is whether such a development is always desirable for the interest of the public in environmental protection. If someone is interested seriously in information on the environment, he or she probably would not mind taking pains to find out how to proceed correctly to have his or her request attended properly. Excessive informality and openness thus pose the danger of overloading the liable subjects, causing those who should devote themselves to active environmental protection to attend to requests for information instead. The practice, however, has not confirmed these doubts as yet.

But the main drawback in the practical enforcement of the right to information still lies especially in the insufficient informedness of the public about the existence and manner of the application of the right to information and the relating authorizations. One can presume, however, that given the current situation in the availability of relevant information through the Internet, everyone really interested in the environment has the way to information open owing to the legal regulation adopted.

**Klíčová slova:** právo na informace o životním prostředí /  
right to information on the environment  
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